

Remarks

The Applicant respectfully requests reconsideration and reexamination of the above-identified patent application, with amendment. Claims 1-45 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended claims 1-4, 7, 11-22, 26, 28, 30-34, 37, 41, 43, and 45; and cancelled claims 46-55. No new claims have been added in this Amendment. Of the pending claims, claims 1, 16, and 31 are independent claims.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 16, 20, 36, and 52 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. To this end, the Examiner indicated that the limitation of "the personal computer" in claims 16, 20, 36, and 52 has insufficient antecedent basis.

The Applicant has amended claim 20, and claim 21, to change "personal computer" to –computing device– as introduced in independent claim 16. The Applicant notes that claims 16 and 36 as amended in the Preliminary Amendment filed May 8, 2007, of which the Office Action is responsive, do not recite "the personal computer". The Applicant has cancelled claim 52. Thus, the Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, 2nd paragraph, claim rejections.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-4, 6-11, 16-19, 21-26, 31-34, and 36-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0229898 to Babu et al. ("Babu") in view of U.S. Publication No. 2001/0036271 to Javed ("Javed"). The Applicant respectfully submits that the claims presented herein are patentable over Babu in view of Javed.

1. Babu in view of Javed

In regards to independent claims 1, 16, and 31, the Examiner posited that Babu discloses a video-on-demand system where video content is ordered from one of many online providers and then delivered to the subscriber via a network which can include a cable network. The Examiner indicated that Babu does not disclose using a personal computer (i.e., a computing device) to select the online videos. The Examiner posited that Javed discloses using a personal computer for ordering videos over the Internet. As such, the Examiner posited that it would have been obvious to one of ordinary skill to use a personal computer to order the videos.

**2. Amended Independent Claims 1, 16, and 31
Compared to Babu in view of Javed**

Amended independent claims 1 and 16 differ from Babu in view of Javed in that amended independent claims 1 and 16 include features directed to:

(i) a computing device (e.g., a personal computer) communicates with a content provider website via a packet data network in order to enable a subscriber to select a video from the website for delivery to the subscriber; and

(ii) a cable TV provider receives the selected video from the content provider and then delivers the selected video to a television of the subscriber via the cable TV network for the subscriber to view.

Babu describes a client device 106 in communication with a media distribution system 104 (i.e., a cable TV provider) via a cable TV network 118 and in communication with a VOD vendor 102 (i.e., a content provider) via a packet data network 114 (FIG. 1). The media distribution system and the VOD vendor are in communication via another network 108 in order for the VOD vendor to provide the media distribution system with program data describing media content (i.e., videos) available from the VOD vendor (see, for instance, paragraph 0018). The media distribution system provides EPG data indicative of the received program data to the client device via the cable TV network 118 (see, for instance, paragraph 0020).

The client device communicates with the VOD vendor via the packet data network 114 in order to enable a subscriber to select a video from the VOD vendor for delivery to the

subscriber (see, for instance, FIG. 1 in which the client device communicates a media request 126 to the VOD vendor via the packet data network 114). However, in contrast to the claim feature (ii), the VOD vendor delivers the selected video to the client device via the packet data network 114. (See FIG. 1 in which media content 112 is delivered from the VOD vendor to the client device via the packet data network 114 in response to a media request 126 from the client device to the VOD vendor; paragraph 0019, "VOD vendors 102 also distribute on-demand media content 112 to one or more client devices 106."; paragraph 0019, "The on-demand media content 112 is distributed to client devices 106 across network 114."; paragraph 0138, "Vendor interfaces 712 . . . enable the client device 106 to communicate with the VOD vendors 102 to . . . receive on-demand media content."; and paragraph 0178, "the client device 106 receives the requested content from the VOD vendor 102.")

As such, Babu does not teach or suggest that the media distribution system (cable TV provider) receives the selected video from the VOD vendor (content provider). Instead, Babu describes that the client device, as opposed to the media distribution system, receives the selected video from the VOD vendor and the media distribution system receives video program data from the VOD vendor.

Likewise, Babu does not teach or suggest that the media distribution system (cable TV provider) then delivers the selected video to the client device (i.e., a television) via the cable TV network 118. Instead, Babu describes that the client device receives the selected video from the VOD vendor (content provider) via the packet data network 114. That is, in Babu, the VOD vendor (content provider) as opposed to the media distribution system (cable TV provider) provides the selected video to the client device (television). Further, in Babu, the selected video is transferred to the client device over the network 114 between the client device and the VOD vendor as opposed to the network 118 (cable TV network) between the client device (television) and the media distribution system (cable TV provider).

In view of the above, Babu lacks a teaching or suggestion of the feature in amended independent claims 1 and 16 that a cable TV provider receives the selected video from

the content provider and then delivers the selected video to a television of the subscriber via the cable TV network for the subscriber to view. Amended independent claim 31 calls for, among other features, communicating the selected video from the content provider to the cable TV provider and then to the television via the cable TV network and is distinguishable from Babu for grounds similar to amended independent claims 1 and 16.

Accordingly, regardless of whether a personal computer is used to select videos per the posited teachings of Javed, the combination of Babu and Javed, even assuming proper, does not result in the amended independent claims 1, 16, and 31 combinations of features. Accordingly, amended independent claims 1, 16, and 31 are patentable over Babu in view of Javed. Claims 2-4, 6-11, 17-19, 21-26, 32-34, and 36-41 depend from one of the amended independent claims and include the features of their respective independent claim. Thus, the Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of claims 1-4, 6-11, 16-19, 21-26, 31-34, and 36-41.

None of the additional art applied to reject the claims depending from amended independent claims 1, 16, and 31 overcome the deficiencies of the combination of Babu and Javed discussed above.

The Examiner rejected claims 5, 20, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Babu in view of Javed in view of U.S. Publication No. 2002/0104088 to McGee III et al. ("McGee"). Claims 5, 20, and 35 depend from one of independent claims 1, 16, and 31 and include the features of their respective independent claim. Thus, the Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of claims 5, 20, and 35.

The Examiner rejected claims 12-15, 27-30, and 42-55 under 35 U.S.C. § 103(a) as being unpatentable over Babu in view of Javed in view of McGee in view of U.S. Publication No. 2003/0004940 to Igarashi ("Igarashi"). Claims 12-15, 27-30, and 42-45 depend from one of independent claims 1, 16, and 31 and include the features of their respective independent

claim. Thus, the Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of claims 12-15, 27-30, and 42-45.

The Examiner rejected claims 46-55 under 35 U.S.C. § 103(a) as being unpatentable over Babu in view of Javed in view of McGee in view of Igarashi. Claims 46-55 have been cancelled.

CONCLUSION

In summary, claims 1-45 presented herein meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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